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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/051,093

01/18/2002

Santosh C. Lolayekar

E003 - 1003US0

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11/07/2006

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EXAMINER

NGUYEN, HANH N

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/051,093	LOLAYEKAR ET AL.	
	Examiner	Art Unit	
	Hanh Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 31-43 and 54-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 44-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 3 is objected to because of the following informalities: Applicant is required to delete "and" on line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-11, 13-20, 22-27, 29, 30 and 44-53 are rejected under 35 USC 102(e) as being anticipated by Wilford et al. (US Pat. 6,687,247 B1).

In claims 1, 4, 7, 13, 16, 20, 24, 44 and 50, Wilford et al. discloses a method for use by a storage switch in a storage network (switch 100; see fig.1), comprising:

(a) receiving a plurality of packets by the switch (receiving inbound packets 113 at line card 110), wherein the plurality of packets (the inbound packets 113) includes non-data packets communicated to a first device (col.5, lines 60-65; fig.4; control packets sent to CPU 440 for processing); data packets communicated to a second device (col.6, lines 5-7; regular packets is sent to fabric 120); (b) classifying packets as data packets or non-data packets (see fig.4, queue manager 410 manages dequeue 420 to pass control packets to CPU 440 and other packets to fabric interface 170; col.9, lines 35-60); and said steps above are performed without buffering (col.3, lines 1-10).

In claims 2, 3, 10, 17, 19 and 25, Wilford et al. discloses data packets forms a Read command (col.37, col.65 to col.38, line 40; reading a request from a queue); write command (write cells into DRAM; col.31, lines 35-40; fig.12).

In claim 5, Wilford et al. discloses the Cpu 440 (first device) and the fabric 120 (second device) are included on switch 100.

In claims 8, 26, 27, 45, 46, 51 and 52, Wilford et al. discloses the second device is on the linecard (see fig.1, fabric interface 170 on linecard 110; col.6, lines 5-10); or external to the linecard (fig.1, fabric 120 external to linecard 110).

In claims 14, 22, 30, Wilford et al. discloses the method in claim 1 performed at wire speed (see abstract, processing and routing packets at wire speed).

In claim 11, 48, Wilford et al. discloses utilizing a local header for the packet, wherein the local header includes information indicating if the packet is a data packet or a non-data packet (see fig.3, col.7, lines 5-25; FIFO controller 310 separates header from packets and forwards the headers to lookuop controller 320 to determine routing information, Further from

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inbound rate limiter 230, packets are checked as ether normal packets or control information (see col.8, lines 25-40).

In claim 6, Wilford et al. discloses second device is a packet processing unit (dequeue 420; see fig.4, col.9, lines 35-40).

In claims 15, 23, 29 and 49, Wilford et al. discloses the methof of claim 1 performed by a storage processor in the switch (control element 130; see fig.2).

In claims 9, 18, 47 and 53, Wilford et al. discloses data packets are packets for established connection that are for a recognized protocol (data packets are routed at a wire speed to destination based on QOS and received at a SONET interface; col.4, lines 60-65, therefore, the recognized protocol is SONET or SDH) and data moving packets (routing data packets).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 21 and 28 are rejected under 35 USC 103(a) as being unpatenatble over Wilford et al. (US Pat. 6,687,247 B1) in view of Grosner et al. (US Pat. 7,089,293 B2).

In claims 12, 21 and 28, Wilford et al. does not disclose processing data packets in accordance with a virtualization function. Grosner et al. discloses, in fig.1, a storage network 100. The storage networks performs virtualization function 508 for request packets (see fig.5;

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col.6, lines 35-45). Therefore, it would have been obvious to use the virtualization function in Wilford to process packets. The motivation is to provide physical resource, translate protocols.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eberle et al. (US pat. 7,065,580 B1) ;

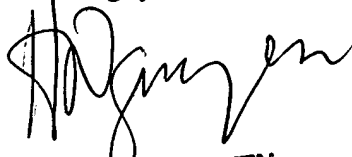
Walker et al. (US pat. 6,222,840 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272.3092. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571 272 7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



HANH NGUYEN
PRIMARY EXAMINER